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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,209	04/22/2004	Chang Nam Kim	K-0632	5528
34610 7590 03/14/2007 KED & ASSOCIATES, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER TADASSE, YEWEBDAR T	
			ART UNIT 1734	PAPER NUMBER
			MAIL DATE 03/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/829,209	KIM, CHANG NAM	
	Examiner	Art Unit	
	Yewebdar T. Tadesse	1734	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,4,11 and 18-41.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: As described in the Final rejections mailed on 11/29/2006 Suzuki et al in view of Im et al and Yamauchi et al discloses applicant's claimed invention. In response to applicant's argument that Suzuki, Im Yamauchi et al and Wolk are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Suzuki discloses (see Abstract and Title of invention) a mask used in the fabrication of an electro-luminescent device. Im and Yamauchi also teach different types of shadow masks used in manufacturing EL devices. As such, Suzuki, Im and Yamauchi are pertinent to the use of mask in manufacturing an electroluminescent device.

Applicant argues that in applicant's invention after el layer is deposited, the mask layer is removed and electrode is formed, whereas in Suzuki shadow mask must be maintained in its position adjacent the front panel. This argument is not persuasive. The argument is not commensurate in scope with the claims. The claims are not limited to shadow mask removed after the organic el layer is deposited as argued.

As to argument that in Yamauchi et al the solid non-angled portion of the mask (10) which forms the bridge (15) and the thickness of the bridge is substantially the same as the other portions of the shadow mask. It is noted that as shown on Fig 6 of Yamauchi et al the thickness of the angled portion of the bridge (15b) is less than a thickness of the mask in areas of the mask (10) having no angled surface. Furthermore, as previously claimed in claims 1 and 11 and still in the dependent claims 38 and 40 (see Amendment After final filed on Feb. 28, 2007), applicant considers the area of the mask positioned between adjacent slots or holes comprises bridges extending between adjacent holes. It is considered in Yamauchi et al that the area of the mask (15, 15b) extends or is positioned between adjacent holes in similar manner as claimed by the applicant. However, It is true that the section of bridge (15) having no angled surface (surface not etched) has the same thickness as the other portions of the shadow mask.

With respect to the argument of claim 29, applicant argues that the prior art cited do not disclose "a thickness of the mask in areas of the mask positioned between adjacent slots is less than a thickness of the mask in areas of the mask having no angled surface portions" It is noted that such limitation has already been deleted in claim 29 (as amended after final).

For at least the reasons described above examiner maintains the art rejections of claims (11, 20-26, 29-34 and 36-41). The proposed amendments also raise the issue of 112 2nd that would require further consideration.


CHRIS FIORILLA

SUPERVISORY PATENT EXAMINER

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